

PEOPLE'S ORGANIZATION FOR PROGRESS
POST OFFICE BOX 22505
NEWARK, NEW JERSEY 07101

September 14, 2000

Mr. Frank Hutchins
Executive Director
Newark Coalitions for Neighborhoods
944 Broad Street, 3rd Floor
Newark, New Jersey 07111

Dear Frank:

Earl Faison, a 27 year-old African-American man, wrongfully apprehended as a suspect in the murder of Orange police officer Joyce Anne Carnegie died on April 11, 1999 after being in the custody of Orange police for only forty-five minutes. After a 14-month investigation by the United States Department of Justice, a federal grand jury indicted a former lieutenant and four police officers in the Orange Police Department charging them with violations of Earl Faison's civil rights in connection with the beating and torture that led to his death.

The indictment states that Earl Faison was kicked by an officer while laying handcuffed on the sidewalk, was beaten by officers after being put in the back seat of a police car, was robbed by an officer at gun point after being taken to the police station, and was pepper-sprayed directly in the face by another officer while he lay handcuffed on the floor moments before he died. It also said that officers submitted false reports about what happened in an attempt to cover-up the incident.

Separate investigations into Earl Faison's death were conducted by both the state attorney general's office and the Justice Department. However, a representative of the attorney general's office has said its investigation into Earl Faison's death was being discontinued and no charges were being brought due to insufficient evidence.

The People's Organization For Progress (POP) has sent a letter to state Attorney General John J. Farmer requesting that the state investigation into the death of Earl Faison be continued. The letter expressed our outrage over the failure of the state attorney general's office to bring charges against those police officers involved in the beating and torture of Earl Faison, who died while in their custody.

In the letter, it is pointed out that Earl Faison's death was not an accident, and that it was caused by the vigilante style actions of those officers who beat and tortured him while he was in their custody. We believe these were criminal actions, and those who committed these criminal acts should be criminally charged.

Those who want justice for Earl Faison need your help. The attorney general needs to know that the rest of the community wants to see justice done in the case of Earl Faison. We ask that you send a letter to the attorney general's office and express support for our request to have the state's investigation into the death of Earl Faison continued.

Please send your letter to: Mr. John J. Farmer, Jr., Attorney General, State of New Jersey, Department of Law and Public Safety, Division of Criminal Justice, 25 Market Street, P.O. Box 085, Trenton, New Jersey 08625-0085. Also, please send a copy of your letter to the People's Organization For Progress (POP). If you have any questions or wish to discuss this further, please call me at your earliest convenience. I can be reached at (973) 509-1051. Thank you very much.

Sincerely,



Lawrence Hamm, Chairman
People's Organization For Progress

PEOPLE'S ORGANIZATION FOR PROGRESS
POST OFFICE BOX 22505
NEWARK, NEW JERSEY 07101

July 18, 2000

Mr. John J. Farmer
Attorney General
Richard Hughes Justice Complex
Market & Warren Streets
P.O. Box 080
Trenton, NJ 08625

Dear Mr. Farmer:

As you are aware, on April 11, 1999, Earl Faison died while in the custody of the Orange police. Shortly thereafter, separate investigations into his death were begun by both your department and the United States Justice Department.

It was my understanding that each department was pursuing a different type of investigation. The Justice Department was conducting its investigation to determine if Mr. Faison's civil rights were violated. Your department was investigating the possibility of criminal violations of state law with the goal of bringing criminal charges, if necessary.

After more than a year, the Justice Department concluded its investigation by indicting five officers from the Orange Police Department. They were charged with violating Mr. Faison's civil rights and face the possibility of paying heavy fines and serving long prison sentences if they are found guilty.

While reading the newspaper accounts of the federal indictments, to both my surprise and outrage, I came across statements attributed to a representative of your office that said, in effect, the investigation by your office into Mr. Faison's death was being discontinued. The person to whom that statement is attributed said that the investigation was being closed for lack of evidence.

I must inform you that my outrage is shared by other members of the People's Organization For Progress, members of other community groups, people throughout New Jersey, and many throughout the tri-state region who are aware of Mr. Faison's case. African-Americans, for whom police brutality is an especially serious problem, are particularly concerned about the failure of your department to fully investigate those responsible for the death of Mr. Faison.

We cannot see how your office could fail to bring criminal charges against those officers who were responsible for Mr. Faison's death. Earl Faison's death was not an accident. His injuries were not the result of an accidental fall. He did not suffocate himself.

Mr. John J. Farmer
July 18, 2000
Page Two

His death was caused by the vigilante style actions of those officers who beat and tortured him while he was in their custody. These were criminal actions, and those who committed these criminal acts should be criminally charged.

The federal indictments were a step in the right direction. However, that in and of itself only begins to address part of the problem. We want full justice for Earl Faison and his family. We don't want partial justice or half justice. We want complete justice. True justice is complete justice.

If it is true that you have closed your investigation into the death of Mr. Faison, then please reconsider your position. On behalf of the People's Organization For Progress, I request that you reopen the case, continue the investigation, and bring criminal charges against those responsible for the death of Earl Faison.

I would like to meet with you to discuss this matter further. Besides yourself, that meeting should include members of your staff, members of the Faison/Williams family, and representatives of the People's Organization For Progress and other groups concerned about this case. Please contact me at (973) 509-1051 in order that a mutually convenient date and time can be established.

I look forward to hearing from you soon.

Sincerely,



Lawrence Hamm
Chairman
People's Organization For Progress

New probe sought in death of a man arrested in Orange

Family wants state to charge 5 officers

By PAUL H. JOHNSON

Staff Writer

Activists and relatives of Earl Faison have petitioned the state Attorney General's Office to reopen an investigation and file criminal charges against the five Orange police officers who stopped and beat Faison.

In June, federal civil rights charges were filed against the five officers, accusing them of beating and pepper-spraying Faison, who they mistakenly believed had killed a female Orange police officer. Faison died in their custody. The officers were charged with violating Faison's civil rights, and a trial is to begin in August. But the family would also like to see them charged with murder.

The People's Organization for Progress, a Newark-based activist group, sent a letter to the state Attorney General's Office asking for a new investigation into Faison's death. POP wants criminal charges filed against the Orange officers. Lt. Thomas Smith, 36, of Caldwell; his brother Brian Smith, 30, of Orange; Tyrone Payton, 34, of Orange; Paul Carpinteri Jr., 36, of Orange; and Andrew Garth, 31, of Bloomfield.

"It's important to try and receive full justice," said Lawrence Hamm, chairman of the POP.

Earl Williams, Faison's father, believes that the civil rights charges filed against the officers are inadequate.

"First of all, civil rights charges are merely a slap on the wrists for these guys," Williams said. "I don't think they feel as if they've

Faison's father
says the civil rights
charges against
the officers are
inadequate.

done anything wrong."

Roger Shatzkin, spokesman for the Attorney General's Office, said the department has received the letter from the People's Organization for Progress. He said the state conducted an investigation into the Faison case at the same time the FBI looked into the incident.

"We didn't find evidence to bring a homicide charge and essentially let the federal authorities move with an indictment," Shatzkin said. "That's the best way to go." He said there are no plans to reopen the investigation.

The attack on Faison occurred three days after the April 11, 1999, shooting death of Orange police Officer Joyce Carnegie. Officers believed that Faison, 27, who was an aspiring rap artist, resembled a police artist's sketch. The federal indictment alleges that the officers beat Faison severely while he was in their custody. Faison died within an hour of being stopped by the police.

"[Faison] did not trip and fall. He did not suffocate himself. He died because someone did something to him," Hamm said. "When a person dies, there should be full accountability."

ACLU calls for state charges in death

By Mark Goldwert
Staff Writer

Last week the American Civil Liberties Union joined the New Jersey State Conference of NAACP Branches and the People's Organization for Progress in calling for state Attorney General John Farmer to re-open the case against five Orange police officers indicted on federal civil rights charges in the beating and torture death of Earl Faison.

One week after state NAACP president Rev. William Rutherford called Faison's death "a gross miscarriage of justice" and demanded justice from the state for the Faison family and the African-American community, ACLU-NJ Executive Director Deborah Jacobs has now chimed in.

"Although newspapers have reported that you did not find sufficient evidence to bring murder charges," wrote Jacobs, "under the circumstances, it is hard to imagine that there was not evidence to support even a lesser charge, such as assault or manslaughter."

Following the death of East Orange resident Earl Faison after less than an hour in the custody of the Orange police, a joint investigation by the state and federal government led the U.S. Attorney's office to charge Lt. Thomas Smith and officers Brian Smith, Andrew Garth, Tyrone Payton and Paul Carpenter with violating the 27-year-old's civil rights. The state attorney general's office, however, determined they did not have evidence enough to indict the officers.

While the arrest of the five officers by federal agents on June 21 was seen as a victory by the POP, who had maintained Faison was a victim of police brutality since his death 14 months earlier, the Newark-based organization was stunned the state would not charge the officers in Faison's death.

Throughout the summer POP president Lawrence Hamm held press conferences and issued repeated statements calling for Farmer to continue the state's investigation in to Faison's death. The POP's had been the only voice to cry out for murder charges until the state conference of NAACP branches joined.

The ACLU now states the federal government's charges that the officers beat and tortured Faison is evidence enough for the state to proceed with its investigation and indict the officers on homicide charges.

"The decision of the Justice Department to file civil rights charges in this

case speaks to the outrageous and inhumane treatment that Mr. Faison suffered and suggests that there is sufficient evidence of officer misconduct to support criminal charges," wrote Jacobs.

"There is no greater insult to citizens than to have a person die at the hands of the very people charged with protecting and serving the public, and then to have the government decline to enforce the laws intended to prevent such crimes."

"It has been our observation that New Jersey has been reluctant to hold police accountable except when there is irrepressible public or political outcry."

Jacobs, like Rutherford and Hamm before her, expressed her bewilderment that the state has not charged anyone in Faison's death. "The lack of information released about this matter has left many unable to understand the failure to bring criminal charges. And," wrote Jacobs, "the decision may perpetuate distrust between citizens and police."

"The letter from the ACLU shows the support that is building in the general community for the position that the investigation into the death of Earl Faison should be continued or reopened," said POP president Hamm.

Hamm said his organization was pleased with the language of the letter sent by the Newark branch of the ACLU, and the pointed questions asked in it. "The letter raises explicit questions which the attorney general should respond to," said Hamm. "This further support shows that a lot of people have questions about this case. I hope the attorney general would give a quick response."

Following the arrival of letters from the NAACP and ACLU, Chuck Davis, spokesman for the State Attorney General's office responded. "There was a joint investigation by the attorney general and the U.S. attorney's office and the federal government did indict the officers on civil rights charges. There is no evidence to indicate a homicide."

"We continue to be outraged that the state department of justice did not bring any charges," said Hamm.

Faison's was arrested on April 11, 1999, for the murder of Orange police officer Joyce Ann Carnegie three days earlier. Six days later Condell Woodson was charged and subsequently pleaded guilty to Carnegie's murder.

If convicted on federal civil rights charges, the five officers face a maximum penalty of 10 years in prison and a \$250,000 fine on each of the counts.



The New Jersey State Conference of NAACP Branches

P.O. Box 377

Irvington, New Jersey 07111

Reverend William H. Rutherford

State Conference President

Telephone: 973/375-2064

email: Rutherford@512.com

Fax: 973/373-0801

August 15, 2000

Mr. John J. Farmer, Jr.

Attorney general

State of New Jersey

Department of Law and Safety, Division of Criminal Justice

25 Market Street

P.O. Box 085

Trenton, NJ 08625-0085

Dear Attorney General Farmer:

The New Jersey State Conference of NAACP Branches view the untimely death of Mr. Earl Faison as a gross miscarriage of justice. His death at the hands of the Orange Police in their rust to judgement has caused great anguish to the Faison Family and to the African American Community. The NAACP demand justice for this family and for our community.

Therefore, The New Jersey State Conference of NAACP Branches join with the People's Organization For Progress in asking you, the Attorney General of the State of New Jersey to continue the investigation into the death of Mr. Earl Faison until those who are guilty are punished.

We cannot continue to have these kind of abuses take place in the African American Community without serious repercussions.

Thank you for your consideration.

Sincerely,

Reverend William Rutherford

President, NJ State Conference NAACP Branches

COPY

Orange Transcript

"Your Best Source For Community Information"

NAACP joins POP in calling for justice for Earl Faison's death

By Mark Goldwert
Staff Writer

In an Aug. 15 letter to State Attorney General John J. Farmer, Rev. William Rutherford, president of the New Jersey State Conference of NAACP Branches, joined ranks with the People's Organization for Progress and asked that the state of New Jersey continue the investigation into the death of Earl Faison.

Rutherford called Faison's death "a gross miscarriage of justice" and stated the NAACP demands justice for the Faison family and the African-American community.

"We cannot continue to have these kind of abuses take place in the African-American community without serious repercussions," wrote Rutherford.

Since Orange police officers Thomas Smith, Brian Smith, Andrew Garth, Tyrone Payton and Paul Crpinteri Jr. were indicted by a federal grand jury in June, the POP has been the only group to publicly call for officers to be charged with murder, until now.

"We decided to join the POP because it looked like nothing was

being done. A young man ended up losing his life," said Rutherford, speaking from his Irvington office. "We will lend our strength at the request of the POP."

"The next step is to issue an ultimatum regarding action we might take if nothing is done. We've got to put out a plan and follow through to make sure justice is done."

POP president Lawrence Hamm said his organization was overjoyed when they received a copy of Rutherford's letter. "We believe that the NAACP brings a significant constituency to this effort for justice on behalf of the family," said Hamm.

"Now that the NAACP has weighed in, hopefully the attorney general will take our request seriously."

In a sidebar to this latest development, Hamm reported that after discussions with National Action Network leader Rev. Al Sharpton, plans are in the works for members of the Faison/Williams family to address the gathering Saturday on the Mall in Washington, D.C. The march and rally near the Lincoln Memorial will

commemorate the 37th anniversary of Dr. Martin Luther King's "I Have a Dream" speech during the 1963 March on Washington. "It should help draw national attention to this case," noted Hamm. At the rally, national civil rights leaders will call on President Clinton to issue an executive order outlawing racial profiling.

On June 21, 14 months after innocent murder suspect Earl Faison died in the custody of the Orange police, the five police officers were indicted by a federal grand jury for violating the civil rights of the 27-year-old East Orange resident. Charges from the state have not been handed down.

Faison died in police custody less than an hour after his arrest April 11, 1999, for the murder of Police Officer Joyce Ann Carnegie three days earlier. Six days later, another individual, Condell Woodson, was charged and subsequently pleaded guilty to Carnegie's murder.

Each officer faces a maximum penalty of 10 years in prison and a \$250,000 fine on each of the counts in which they are charged relating to the alleged beating and torture of Faison.

**PEOPLE'S ORGANIZATION FOR PROGRESS
POST OFFICE BOX 22505
NEWARK, NEW JERSEY 07101**

FOR IMMEDIATE RELEASE

DECEMBER 15, 2000

FOR FURTHER INFORMATION CONTACT:

Lawrence Hamm (973) 801-0001

Newark Coalition for Neighborhoods (973) 643-7711

FAISON PROTEST SCHEDULED

The People's Organization For Progress will hold a "vigil for justice" this weekend for Earl Faison who died while in the custody of the Orange, New Jersey police. The vigil will be held Saturday, December 16, 2000 at 12:00 noon in front of the Orange Police Headquarters, 693 Lincoln Avenue (corner of Lincoln and Tremont Avenues), in Orange, New Jersey.

Earl Faison, a 27 year-old African-American man, wrongfully apprehended as a suspect in the murder of Orange police officer Joyce Anne Carnegie died on April 11, 1999 after being in the custody of Orange police for only forty-five minutes.

Reportedly, an Orange policeman testified to a federal grand jury that while in the police station officers robbed, beat, and pepper-sprayed Mr. Faison directly in the face while he lay handcuffed on the floor moments before he died.

"We are holding this vigil to yet again demonstrate our desire for justice for Earl Faison, and to put the entire community on alert that a verdict will soon rendered in this case," POP chairman Lawrence Hamm stated.

"We call upon all people of conscience to join us to remember Earl and to demand justice for him and all victims of police brutality," Hamm said.

After a 14-month investigation by the United States Department of Justice, a federal grand jury indicted a former lieutenant and four police officers in the Orange Police Department charging them with violations of Mr. Faison's civil rights in connection with the beating and torture that led to his death. The five officers have been on trial in U.S. District Court before Judge John Lifland for the past six weeks.

The indictment stated that Mr. Faison was kicked and punched by an officer while laying handcuffed on the sidewalk, was beaten by officers after being laid in the back seat of a police car, was robbed by an officer at gun point after being taken to the police station, and was pepper-sprayed directly in the face by another officer while he lay handcuffed on the floor moments before he died. It also said that officers submitted false reports about what happened in an attempt to cover-up the incident.

Separate investigations into Mr. Faison's death were conducted by both the state attorney general's office and the Justice Department. However, a representative of the attorney general's office said its investigation into Mr. Faison's death was being discontinued and no charges were being brought due to insufficient evidence.

"Those of us who want justice for Earl Faison and his family will remain vigilant while we wait for the verdict of the jury in this case," Hamm said.

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**PEOPLE'S ORGANIZATION FOR PROGRESS
POST OFFICE BOX 22505
NEWARK, NEW JERSEY 07101**

OCTOBER 30, 2000

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION CONTACT:
Lawrence Hamm (973) 509-1051 (PRESS ONLY)
Newark Coalition for Neighborhoods (973) 643-7711

**DEMONSTRATION TO PROTEST DEATH OF POLICE BRUTALITY VICTIM
EARL FAISON TO BE HELD AT FEDERAL BUILDING**

The People's Organization For Progress (POP) will hold two demonstrations tomorrow at a federal building in Newark for Earl Faison who died while in the custody of the Orange, New Jersey police. **POP will picket in front of the Rodino Federal Building, 970 Broad Street in Newark, Tuesday, October 31, 2000 from 12:00 noon to 2:00 p.m. (The federal building is located at the corner of Broad and Walnut Streets in Newark). The group will also demonstrate at that same location at 5:00 p.m.**

Earl Faison, a 27 year-old African-American man, wrongfully apprehended as a suspect in the murder of Orange police officer Joyce Anne Carnegie died on April 11, 1999 after being in the custody of Orange police for only forty-five minutes.

After a 14-month investigation by the United States Department of Justice, a federal grand jury indicted a former lieutenant and four police officers in the Orange Police Department charging them with violations of Mr. Faison's civil rights in connection with the beating and torture that led to his death.

The federal court trial for those police officers is scheduled to take place Tuesday, October 31 in Judge Lillard's court at the Martin Luther King, Jr. Federal Courthouse, 50 Walnut Street in Newark.

The indictment states that Mr. Faison was kicked and punched by an officer while laying handcuffed on the sidewalk, was beaten by officers after being laid in the back seat of a police car, was robbed by an officer a gun point after being taken to the police station, and was pepper sprayed directly in the face by another officer while he lay handcuffed on the floor moments before he died. It also said that officers submitted false report about what happened in an attempt to cover-up the incident.

"We call upon all people of conscience to join us to demand justice for Earl Faison and an end to police brutality," POP chairman Lawrence Hamm stated.

"We ask that people wear something black tomorrow in remembrance of Earl," Hamm said.

Separate investigations into Mr. Faison's death were conducted by both the state attorney general's office and the Justice Department. However, a representative of the attorney general's office said its investigation into Mr. Faison's death was being discontinued and no charges were being brought due to insufficient evidence.

Since April of 1999, the People's Organization For Progress and other human rights groups have had many demonstrations to keep public attention focused on the case of Earl Faison. POP has demanded that the state attorney general continue the investigation into the death of Mr. Faison.

"Those of us who want justice for Earl Faison and his family will remain vigilant," Hamm said.

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